

1 The Honorable Barbara J. Rothstein
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

10 RICARDO SALOM, CATHERINE
11 PALAZZO as assignee for Ruben Palazzo, and
12 PETER HACKINEN, *on their own behalf and
on behalf of other similarly situated persons,*

13 Plaintiffs,

14 vs.

15 NATIONSTAR MORTGAGE LLC,

16 Defendant.

17 Case No. 2:24-cv-00444-BJR

**DEFENDANT NATIONSTAR
MORTGAGE LLC'S RESPONSE TO
PLAINTIFFS' NOTICE OF RELATED
CASES**

1 Defendant Nationstar Mortgage LLC (“Nationstar”) files this brief response to the Notice
 2 of Related Cases filed by Plaintiffs (Dkt. # 121). Plaintiffs identify two cases they assert are
 3 “related cases” under Local Rule 3, namely *Bates v. Nationstar Mortgage, LLC*, pending in the
 4 United States District Court for the Eastern District of Virginia, Case No. 3:25-cv-00415-DJN, and
 5 *Bloom v. Nationstar Mortgage, LLC*, filed in the Supreme Court, Orange County, New York, Case
 6 No. EF010147 (2018) (on appeal to the Appellate Division of New York’s Second Judicial
 7 Department). Nationstar disputes Plaintiffs’ characterization of these cases, as well as Plaintiffs’
 8 assertion that they are related to this case.

9 **A. Neither Bates nor Bloom is a “related case” under Local Rule 3(g).**

10 As a threshold matter, Plaintiffs appear to assert that the *Bates* and *Bloom* cases are related
 11 to this case under Local Rule 3(g), based on their statement that they “do not believe there is likely
 12 to be any undue burden or duplication labor between these overlapping matters.” Dkt #121
 13 (identifying the matters required by Local Rule 3(g)(4)). But given Local Rule 3(g)’s reference to
 14 whether there is the potential for conflicting results if the cases are conducted before different
 15 judges, Local Rule 3(g) plainly is directed to related cases pending in *this District*. This is further
 16 evident from the following Local Rule 3(h) titled “Notice of Pendency of Other Action in another
 17 Jurisdiction or Forum.” The apparent purpose of the Local Rule 3(g) is to permit the Court to
 18 consolidate cases pending in this District if appropriate. Neither of the cases identified by Plaintiffs
 19 is pending in this jurisdiction and therefore they cannot be the subject of a Rule 3(g) Notice of
 20 Related Cases.

21 Moreover, neither case meets the definition of a “Related Case” set forth in the Rule.
 22 Rule 3(g) provides that a case is “related” when it “concern[s] substantially the same parties,
 23 property, transaction, or event; and (B) it appears likely there will be an unduly burdensome
 24 duplication of labor and expense of labor or the potential for conflicting results if the cases are
 25 conducted before different judges.” L.R. 3(g)(4). Plaintiffs themselves have disclaimed the
 26 existence of the condition in subsection (B). And neither *Bates* nor *Bloom* concern substantially the
 27 same “property, transaction, or event,” as set forth below. Accordingly, neither *Bates* nor *Bloom* is
 28 a “related case.”

1 More particularly:

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3 **B. Neither Bates nor Bloom qualifies as an “other action” requiring disclosure under**
Local Rule 3(h).

4 To the extent Plaintiffs intended to file their Notice of Related Cases pursuant to Local Rule
5 3(h), the notice is defective on its face because it fails to contain a statement addressing transfer
6 pursuant to 28 U.S.C. § 1407 and a statement regarding whether coordination between actions
7 might avoid conflicts, conserve resources, and promote an efficient determination of the action.
8 L.R. 3(h).

9 In any event, neither *Bates* nor *Bloom* is an “other case” because they do not involve the
10 same subject matter as this case. Specifically:

11 *Bates v. Nationstar Mortgage, LLC*: This case, recently filed in the United States District
12 Court for the Eastern District of Virginia, does not involve allegations that the plaintiff was
13 charged a fee for the expedited delivery (or even preparation) of a payoff statement. Instead,
14 the plaintiff there asserts that Nationstar improperly declared her loan in default and then
15 failed to send her a payoff statement when she requested one. (Case No. 3:25-cv-00415-
16 DJF, Dkt. #1, ¶¶ 43-49, 51-55, 57.) Her claims rest on her submission to Nationstar of an
17 estimated amount to pay off her loan, which she asserts exceeded the amount owed and was
18 used to pay improper default fees, including property inspection fees, as well as taxes she
19 did not owe. *Id.*, ¶¶ 52-62. The gist of the Complaint is that Nationstar failed to refund the
20 sums she overpaid. *Id.* ¶¶ 67-68. The claims have no relationship whatsoever to those
21 asserted in this case.

22 *Bloom v. Nationstar Mortgage, LLC*: As Nationstar pointed out in the Amended Joint Status
23 Report filed on December 20, 2024 (Dkt. # 87), *Bloom* is neither a “related case” nor an
24 “other case” because it involves state law claims made in a state court under a different state
25 statute, not federal claims, involves a different time period, was on appeal long before this
26 case was filed, and has no overlap with the purported classes here. Given the current status
27 of *Bloom*, it would be impossible to coordinate this action with any proceeding in *Bloom*.

1 In short, neither Bates nor Bloom is a “related case” or an “other case” under Local
 2 Rule 3(g) or 3(h) that would justify the need to file a Notice of Related Cases.

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 4 Dated: June 27, 2025

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